

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:25-CV-22530

JESUS E. GONZALEZ HERNANDEZ,

Plaintiff,

vs.

STATEWIDE ELECTRICAL SERVICES, INC.  
AND NOEL MELO,  
Defendants.

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**DEFENDANTS' AMENDED ANSWER AND AFFIRMATIVE DEFENSES**  
**TO PLAINTIFF'S COMPLAINT**

Defendants Statewide Electrical Services, Inc. ("Statewide") and Noel Melo ("Melo")  
(collectively "Defendants") hereby file their amended answer to Plaintiff's Complaint and allege:

**Answer**

1. Defendants admit that Plaintiff is over 18 years old, but lack sufficient knowledge  
to admit or deny the remaining allegations in paragraph 1, and therefore deny the same.

2. Admitted.

3. Admitted.

4. Without knowledge.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Without knowledge.

11. Denied.

12. Admitted.

13. Without knowledge.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Defendants admit that Plaintiff earned \$30/hour during some period of time for work performed, but deny that this was his only rate of compensation.

25. Defendants admit that Plaintiff earned \$50.52/hour for work on certain metro stations during the last six months of employment.

26. Denied. Plaintiff did not work in excess of forty (40) hours during any workweek from April 2023 through September 2023. Plaintiff does not have records to support any alleged overtime hours, and Plaintiff cannot establish the amount of work performed or hours worked.

27. Defendants admit not paying Plaintiff any overtime wages because Plaintiff did not work more than forty (40) hours in any week during the relevant time period. Defendants paid

Plaintiff all wages due and owing under applicable law. Plaintiff was compensated in accordance with applicable wage and hour laws.

28. Denied.

29. Denied.

30. Denied.

31. Without knowledge.

32. Denied.

33. Defendants deny all other allegations of Plaintiff's Complaint not herein specifically admitted, denied, or otherwise controverted.

**Affirmative Defenses**

34. Before commencement of this action, Defendants discharged Plaintiff's claim and each item of it by payment.

35. Defendants did not willfully violate the FLSA. Any alleged violations, if they occurred, were not willful, and therefore Plaintiff is not entitled to liquidated damages under 29 U.S.C. § 216(b).

36. Some or all of Plaintiff's claims are barred by the applicable statute of limitations.

WHEREFORE, Defendants respectfully request the Court to:

- A. Dismiss Plaintiff's Complaint with prejudice;
- B. Enter judgment in favor of Defendants; and,
- C. Grant such other and further relief as this Court deems just and proper.

**STEPHEN R. VERBIT, P.A.**

Attorneys for Defendants

6741 Orange Drive

Davie, Florida 33314

Phone: (954) 965-8350

Email: sverbit@verbitlawfl.com



By: \_\_\_\_\_  
STEPHEN R. VERBIT, ESQUIRE  
Florida Bar No. 710857

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by the CM/ECF System to Brian H. Pollock, Esquire, FAIRLAW Firm, Attorneys for Plaintiff, 135 San Lorenzo Avenue, Suite 770, Coral Gables, Florida 33146, on this 30th day of July 2025.

**STEPHEN R. VERBIT, P.A.**

Attorneys for Defendants

6741 Orange Drive

Davie, Florida 33314

Phone: (954) 965-8350

Email: sverbit@verbitlawfl.com



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